



Atty. Dkt. No. 076333-0393

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Michael T. LOTZE et al.  
Title: METHODS AND REAGENTS FOR INDUCING IMMUNITY  
Appl. No.: 10/688,845  
Filing Date: 10/15/2003  
Examiner: Amy E. Juedes  
Art Unit: 1644  
Confirmation Number: 9535

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed December 14, 2006. Applicants enclose a Petition for Extension of time to make this response timely.

The Office Action requires restriction under 35 U.S.C. § 121 between Groups I-VI, as defined on page 2 of the December 14<sup>th</sup> Office Action. According to the Office Action, the restriction requirement is proper, because Groups I-VI are independent and distinct inventions.

Applicants elect Group V, claim 27, "drawn to a composition comprising an antigen presenting cell and an immunostimulatory cytokine," with traverse. Applicants understand that Groups I and III will be rejoined upon the elected subject being found allowable.

The Office Action also requires an election of species. Specifically, the Office Action requires Applicant to elect (a) a specific species of antigen presenting cell (APC) and (b) a specific immunostimulatory cytokine. According to the Office Action, "[t]hese are distinct species because their phenotypes and functions are different."

Applicants traverse the restriction requirement. Indeed, there are generic claims, such as elected claim 27, and the PTO has not made a *prima facie* showing that these generic claims are unpatentable. Accordingly, an election of species requirement is improper. Nonetheless, Applicants elect CD34+-derived dendritic cells as the APC and interleukin-12 as the cytokine. Applicants understand that search will be expanded to non-elected species upon the elected species being found allowable. Claim 27 is elected and reads on the elected species.

Respectfully submitted,

Date 14 June 2006

By 

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